

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GENE RAYMOND MATTHEWS, III

Plaintiff,

v.

S. RAMOS, et al.

Defendants.

No. 1:22-cv-01508 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR INJUNCTIVE
RELIEF

(Docs. 30, 31)

Plaintiff is proceeding *pro se* and *in forma pauperis* in this action filed pursuant to 42 U.S.C. § 1983. Plaintiff requests a preliminary injunction and temporary restraining order barring the defendants from: assault/battery; inciting inmate violence; peddling propaganda; soliciting his murder; sexual harassment; threats; creating false documentation; filing frivolous rules violations reports; “[a]rbitrarily and maliciously classifying plaintiff;” retaliation; inappropriate housing, including “[h]ousing mentally ill disruptive prisoners around plaintiff;” and “systemic racial discrimination.” (Doc. 30 at 3-4.)

On August 21, 2023, the assigned magistrate judge found Plaintiff failed to demonstrate that “he is or will be subject to immediate and irreparable harm if an injunction does not issue.” (Doc. 31 at 2.) The magistrate judge observed: “Plaintiff claims generally that he is afraid of officers, at a different institution, based on the November 2021 alleged assault. But Plaintiff articulates no facts demonstrating a threat of imminent or likely harm.” (*Id.*) The magistrate

1 judge also noted that Plaintiff was no longer housed at the same facility where the defendants are
2 employed, and found no “presently existing actual threat.” (*Id.* at 2-3.) The magistrate judge
3 acknowledged Plaintiff has a “fear of correctional officers,” but noted injunctive relief may not
4 be obtained “based upon such a generalized fear.” (*Id.* at 3.) Therefore, the magistrate judge
5 recommended the request for injunctive relief be denied. (*Id.*)

6 Plaintiff filed timely objections on September 18, 2023. (Doc. 35.) Plaintiff contends he
7 has a “need for immediate safety and security from being set up to be assaulted and/or violently
8 assaulted again by defendant(s), their successors, agents, employees, and all persons acting in
9 concert with them.” (*Id.* at 1-2.) Importantly, however, Plaintiff again does not identify any
10 specific acts supporting a conclusion that he is in “immediate and irreparable injury, loss, or
11 damage” by the defendants, as required by Rule 65 of the Federal Rules of Civil Procedure. *See*
12 Fed.R.Civ.P. 65(b)(1)(A). For example, there are no facts alleged connecting the defendants to
13 correctional officers at Plaintiff’s current facility. Rather, Plaintiff reiterates his general safety
14 fears. As the magistrate judge determined, such generalized fear is insufficient to support his
15 request for injunctive relief.

16 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this
17 case. Having carefully reviewed the entire matter, including Plaintiff’s objections, the Court
18 concludes the Findings and Recommendations are supported by the record and proper analysis.
19 Thus, the Court hereby **ORDERS**:

- 20 1. The findings and recommendations issued on August 21, 2023 (Doc. 31), are
21 **ADOPTED** in full.
- 22 2. Plaintiff’s motion for a preliminary injunction and/or temporary restraining order
23 (Doc. 30) is **DENIED**.

24
25 IT IS SO ORDERED.

26 Dated: **September 26, 2023**


UNITED STATES DISTRICT JUDGE